

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

MORTGAGE ELECTRONIC	:	
REGISTRATION SYSTEMS, INC.	:	
	:	
v.	:	NO.
	:	
CHRISTINE RECTOR, et al.	:	

NOTICE OF REMOVAL

NOW COMES, Charles E. Rector, Jr., and Christine E. Rector (“Debtors”) and Hebert L. Beskin, Trustee, by counsel, and seeks removal of the above-captioned case to the Bankruptcy Court for the Western District of Virginia pursuant to Rule 9027 of the Federal Rules of Bankruptcy Procedure, and states unto the Court as follows:

1. On or about August 23, 2009, the Debtors, Christine E. Rector and Charles E. Rector, Jr., filed a voluntary petition under Chapter 13 of the United States Bankruptcy Code in the Bankruptcy Court for the Western District of Virginia. Such case is numbered 09-62669 in the Bankruptcy Court.
2. On or about August 23, 2009, Herbert L. Beskin was appointed Trustee for the bankruptcy estate.
3. On or about January 12, 2010, an action was commenced against the Debtors in the Circuit Court for the County of Culpeper, bearing case number CL09000245-00, by posted service upon the Debtors on January 15, 2010 of a summons and complaint, copies of which are attached hereto. No further proceedings have been had in such case.

4. The action described in the foregoing paragraph is a civil action of which this court has jurisdiction under the provisions of 28 U.S.C. §1334(b). Christine E. Rector and Charles E. Rector, Jr., defendants in that suit, are the debtors in the captioned case under Title 11 of the United States Code. In the State court suit, the Plaintiff is requesting the Circuit Court, *inter alia*, to impose a first lien Deed of Trust on the Defendants' residence, which is part of the bankruptcy estate.

5. The Deed of Trust at issue in the Circuit Court case was never recorded and is subject to the power of the Trustee to avoid unperfected security interests affecting the bankruptcy estate.

6. The action is one which may be removed to this Court pursuant to 28 U.S.C. §1452.

7. The County of Culpeper is within the Western District of Virginia, Charlottesville Division.

8. The Bankruptcy Court for the Western District of Virginia has subject matter jurisdiction over this suit pursuant to 28 U.S.C. § 157.

9. This is a core proceeding under 28 U.S.C. § 157 in which final orders may be entered by a bankruptcy judge.

WHEREFORE, the Debtors pray that the above action now pending in the Circuit Court for the County of Culpeper, case number CL09000245-00, and entitled Mortgage Electronic Registration Systems, Inc. v. Christine Rector, et al. be removed to this Court.

Dated February 12, 2010

Respectfully submitted,

CHRISTINE E. RECTOR  
CHARLES E. RECTOR, JR.

and

HERBERT L. BESKIN, TRUSTEE

By Counsel

/s/ C. Connor Crook

C. Connor Crook (VSB # 71599)

Boyle, Bain, Reback & Slayton

420 Park Street

Charlottesville, VA 22902

434.979.7900 (phone)

434.293.5017 (fax)

[connor.crook@bbrs.net](mailto:connor.crook@bbrs.net)

Counsel for Defendant